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Letter dated 20 August 2018 from the Secretary-General addressed to the President of the Security Council

Further to my letter of 22 April 2018 on the reconfiguration of the United Nations Interim Security Force for Abyei (UNISFA) mandate and to Security Council resolution 2416 (2018), I wish to provide you with recommendations for adjusting UNISFA to the current realities on the ground so as best to serve the border communities of the Sudan and South Sudan, including in Abyei, and to support both Governments in their efforts to implement the agreements that they have signed.

The independent review of UNISFA, conducted from February to April 2018, clearly indicated that the context has markedly evolved since the initial deployment of the interim force. During the most recent consultations of the Security Council, members again unanimously agreed that, despite the lack of political progress on the final status of Abyei and on the implementation of the 2012 security arrangements and border agreements, UNISFA had clearly had a stabilizing role in Abyei and along the border between the Sudan and South Sudan. However, preoccupied with internal political tensions and conflicts, the parties have not used the relative calm on their borders to resolve outstanding issues and/or to implement existing agreements.

In line with my agenda on reforming the peace and security pillar of the United Nations, I firmly believe that we must restructure operations that no longer meet the needs on the ground and work towards achieving political resolutions to conflicts, in conjunction with, as requested by the Security Council, exit strategies for our missions. The following recommendations are aimed at addressing this requirement and repositioning the Mission to serve the renewed impetus for a political solution to the Abyei and other border disputes between the Sudan and South Sudan.

Defining an end state

Two agreements currently form the basis of the UNISFA mandate, the Agreement between the Government of the Republic of the Sudan and the Sudan People's Liberation Movement on temporary arrangements for the administration and security of the Abyei Area of 20 June 2011 and the Agreement on the Border Monitoring Support Mission between the Government of the Sudan and the Government of South Sudan of 30 July 2011. Those agreements were intended, on the one hand, to be temporary, until a referendum was held in accordance with the Protocol on the Resolution of the Conflict in the Abyei Area of the Comprehensive Peace Agreement, and, on the other, to prevent any confrontation between the parties until the demarcation of the border.

Against that backdrop, UNISFA was deployed to create an environment conducive to the realization of the two agreements, thereafter integrated into the cooperation agreements of 27 September 2012. The cooperation agreements were negotiated under the auspices of the African Union High-level Implementation Panel, providing a comprehensive framework to settle outstanding issues between the two countries, following the secession of South Sudan on 9 July 2011.

The end state for UNISFA should therefore remain the implementation of the relevant chapters of the cooperation agreements, namely, border issues and security arrangements, as well as the settlement of the final status of Abyei, as one of the remnants of the Comprehensive Peace Agreement of 2005. Its exit strategy should reflect the various steps towards this goal and define the role that the Mission should play in supporting the parties and the African Union in the realization of the agreements.

Changing realities

Since 2011, the mandate of the Mission has been focused solely on security aspects, while political support has been provided by the African Union. In the context of 2011 and 2012, this was a very useful and successful division of labour. In the years since, however, UNISFA has become exposed to the political shortcomings of the process and the insufficient political will and interest of the parties, as it had to deal with the lack of political progress in establishing the administrative arrangements in Abyei and in addressing border demarcation and security. Although well equipped and highly performing on security issues and filling the gap in local conflict resolution, the Mission has lacked the civilian tools to keep the parties engaged in the advancement of their dialogue politically, while the African Union High-level Implementation Panel focused on settling the conflict in Darfur and in the Two Areas, and the African Union Commission lacked the resources to step up its day-to-day engagement.

Similarly, the Security Council, having established UNISFA on the basis of the two interim agreements, has focused on the implementation of the temporary arrangements rather than considering the end state for UNISFA and the final status of Abyei and the settlement of the border disputes.

In order to preserve the important gains achieved by UNISFA and to contribute to the reinvigoration of the political process that was severely hampered by the conflict in South Sudan, it is now necessary for the Mission to enhance its role in support of the implementation of the agreements between the Sudan and South Sudan. This necessitates a reconfiguration of the UNISFA mandate to allow the Mission to play a more proactive and sustained role in operationalizing the agreements in support of and in collaboration with the African Union Commission and the African Union High-level Implementation Panel, to achieve the demarcation of the border and the determination of the final status for Abyei.

Reconfiguring the United Nations Interim Security Force for Abyei

In the light of the above, I would like to propose that UNISFA continues its current focus on security and stability in the Abyei Area, as well as its monitoring and verification along the border, which has significantly contributed to the absence of confrontation and conflict between the Sudan and South Sudan since 2012. Given the evolution of the situation, however, I would like to suggest a modest expansion in its role, to foster solutions on a day-to-day basis within the framework of the signed agreement in support of both parties and the African Union/African Union High-level Implementation Panel.

This would allow the Mission to function as a tool that works towards the resolution of any border issues between the two countries, in close collaboration with other stakeholders, and to foster community dialogue and reconciliation in Abyei. In this regard, the Mission would focus on Abyei and two of the 2012 cooperation agreements on border and security arrangements. This expanded role of the Mission is differentiated from that of the Special Envoy for the Sudan and South Sudan. The role of the Special Envoy for the Sudan and South Sudan is to consider the overall negotiated settlement of outstanding Comprehensive Peace Agreement issues, and focus on seven other cooperation agreements, including agreements on oil, banking, trade, economic matters, the status of nationals and post-service benefits, as well as the Two Areas.

I reiterate my disappointment that the agreements of 20 June and 30 July 2011 remain largely unimplemented. The presence of Sudanese police in Diffra and the role of South Sudan in the Juba-appointed administration continues, in violation of the Agreement of 20 June 2011. The Mission cannot continue to be held hostage by this situation and operate in an administrative vacuum, in particular because both communities do have an administrative arrangement, albeit separate, in place. We therefore suggest that, until progress is made towards implementation of the Agreement of 20 June 2011 and a political dialogue that furthers the resolution of the final status is in place, UNISFA should be able to engage with the Juba-appointed administration based in Abyei and the Misseriya administration in Muglad, in addition to continuing its work with current community-based structures, so as to maintain stability and foster intercommunal reconciliation.

At the same time, owing to the lack of political progress, the Diffra oil installation would remain under the temporary control of Khartoum, thereby maintaining the agreed revenue-sharing structure in the Abyei Protocol until the temporary arrangements are implemented and/or a final settlement is agreed.

As for the Safe Demilitarized Border Zone, the Agreement on Security Arrangements between the Republic of the Sudan and the Republic of South Sudan of 30 July 2011 and subsequent agreements, notably the Agreement on Security Arrangements between the Republic of the Sudan and the Republic of South Sudan of 27 September 2012, envisioned that a fully operationalized Joint Border Verification and Monitoring Mechanism would provide the parties with a temporary buffer zone on their common border that would allow the parties to peacefully negotiate contested areas. However, operations of the Mechanism have picked up momentum only within the last year owing to a modicum of rapprochement between the two countries and pressure from the Security Council to utilize the Mechanism or lose it.

To date, the Mechanism remains at initial operating capability, with only two of the four sector headquarters in operation, and only one team site established within the Safe Demilitarized Border Zone, while the presence of both the Sudanese Armed Forces and the Sudan People's Liberation Army in the Safe Demilitarized Border Zone continues to be reported.

As UNISFA continues to proactively push forward the operationalization of the Joint Border Verification and Monitoring Mechanism, progress has been made towards the full functioning of the mechanism during the first months of this year, including the establishment of some team sites along the border crossing corridors within the Safe Demilitarized Border Zone. The completion of the first phase of marking the centreline and outer limits of the Safe Demilitarized Border Zone in 3 of the 10 crossing points along the agreed border corridors between the Sudan and South Sudan has also been achieved by the African Union Border Programme Technical Team, supported by UNISFA.

Despite its delays, the Joint Border Verification and Monitoring Mechanism remains a vital part of the framework that regulates the relationship of the two countries. Since the inclusion of the Mechanism as part of the UNISFA mandate in 2012, there has not been a single confrontation between their armies. It is therefore of paramount importance that the Mechanism be deployed fully and that the 2012 security arrangements and border agreements be implemented. The influence that the Security Council was able to exert was essential in advancing the Mechanism's effectiveness. Continued Council engagement on the matter and relations between the Sudan and South Sudan in accordance with Council resolution 2046 (2012) will be very important for the stability of the region while South Sudan is in turmoil.

For the normalization of relations between the two countries, a concerted, revitalized effort is needed to foster the implementation of the 2012 security arrangements and border agreements. In the case of UNISFA, as mentioned above, this should include a focus on the border agreement. The Mission should be mandated to support the parties in the establishment of a timetable for the border crossing corridor demarcation, in collaboration with the African Union Border Programme Technical Team, as well as provide protection for the demarcation teams, their equipment and facilities. In this regard, the Mission's operations on the border would expand, allowing it also to support border demarcation efforts, including sensitization, in addition to the security and monitoring role it plays within the Safe Demilitarized Border Zone.

The demarcation of the border crossing points should also be addressed as part of a wider discussion to alleviate fears that the Safe Demilitarized Border Zone will, despite all assurances, become the de facto border. Discussions on the border have to be held in parallel with the move towards full operating capability. Day-to-day engagement by the Mission with the local communities on both sides of the border will create an environment in which they have the confidence to restore their traditional ties and see the benefit thereof, and resume or expand their mutual commercial activities.

Simultaneously, and in accordance with Council resolution 2416 (2018), progress needs to be made on the disputed and claimed areas of the common border. This should commence with the handover of the required documents to the African Union Panel of Experts, followed by the finalization of the demarcation plan, which should consider starting demarcation of the non-contested border first, to show results and create a momentum for the implementation of the entire border agreement. Within the spirit of the "soft border" concept agreed in 2012, the Mission should be mandated to support demarcation teams in collaboration with the African Union Border Programme Technical Team, foster community reconciliation and sensitization and support integrated border management at the border crossings.

Changing the mission concept

In the light of the above, several changes would have to be made to the mission concept of UNISFA.

Military component

With regard to the military, a capability study was finalized by the Office of Military Affairs on 9 July 2018, which recognized the change in threat and which therefore suggested that adjustments be made to the deployment and equipment of the force. With diminishing need for a large military component in the Abyei Area, troops from the Area would be transferred to fully operationalize the monitoring mechanism, in particular ensuring the establishment of two remaining sector headquarters and required team sites within the Safe Demilitarized Border Zone and that each sector

headquarters has a self-sufficient dedicated force protection unit, as well as logistics support and enabling forces.

While the threat within the Abyei Area is now, thanks to UNISFA, mostly criminal in nature, there is still no political settlement which would address the underlying issues that have caused this conflict. In this context, and owing to the posture of UNISFA, the military capability study identifies cross-border military action as the most likely threat along its borders. As a result, the military component of the mission would concentrate its deployments along the borders of the Abyei Area, to safeguard against and stop any movement of armed rebel groups from both the Sudan and South Sudan. An incursion of armed entities from either party has the potential to exacerbate intercommunal tensions and endanger civilians in the Area.

In this regard, the military component of the Mission would maintain a deterrent posture along the main routes going into the Abyei Area at the northern and southern borders. With regard to the Misseriya migration, the Mission will continue to manage security with both the police and military components to facilitate cooperation between the communities.

Police component

Given the lack of unity of the administrative arrangements of the Abyei Area, including the Abyei Police Service, and our assessment of the realities set out above, the police capability study of 9 July 2018 undertaken by the Police Division underlined the continued tensions among communities due to the lack of a political settlement. The Amiet common market has become the most visible symbol of the commitment by the Ngok Dinka and Misseriya communities to peace and reconciliation and has provided new impetus in the relations between the communities and trade in the wider region. However, there remains a potential for friction and incidents as the two communities intermingle within the market and surrounding areas. In recent years, UNISFA and United Nations agencies, funds and programmes have worked with the community-led joint peace committee to successfully de-escalate incidents at the Amiet market by facilitating timely intercommunal dialogue.

In addition, with the adverse economic situation in South Sudan, the Amiet market has become a significant economic hub. However, this success has also increased criminality in the Abyei Area, including murders, cattle rustling, carjacking and assault, as well as intermittent public disorder and spontaneous shooting incidents. In the light of this rise in criminal activity, I recommend the deployment of three formed police units to the three major population centres in the Abyei Area, namely, the Amiet common market, Abyei town and Agok, as these units are better designed, trained and equipped to respond to law and order issues than the military. The latter two would also be positioned for emergency deployment to flashpoints within the area of operations. This would allow the Mission to enhance its focus on maintaining law and order, including justice and corrections and furthering peace between the communities.

In the absence of progress on the Abyei Police Service, specialized individual police officers would reinforce their support of the community protection committees, with deployments to all team sites in the Abyei Area. Further, in addition to its work with the community protection committees, outreach should be undertaken by the mission to support the Misseriya in establishing an unarmed migration police force that would accompany nomads, as well as liaise with the resident Misseriya community in the Abyei Area to identify support needed on law and order issues.

Specialized individual police officers providing advisory support on integrated border management issues should be deployed to all 10 team sites along the border

crossing corridors. Here, the individual police officers would work to strengthen the capacity of law enforcement agencies of both countries on integrated border management and control of illicit arms and goods movement, monitoring and reporting on transnational/cross-border crimes. Total police numbers would therefore be at 640, with three formed police units at 160 each, 148 individual police officers and a headquarters staff of 12.

Uniformed personnel ceiling

The reconfiguration accommodates the proposed changes within the current uniformed personnel ceiling of 4,550. Given that the mission is at initial operating capability and the aim of the proposal is for full operating capability of the Mechanism, this represents a net reduction of 607 in the Abyei Area. In addition, the transfer of some tasks from the military to an augmented police component represents another reduction of 590 military. Troop figures in the Abyei Area would therefore reduce by 1,197, or 30.2 per cent, from the currently authorized 3,959 to 2,762.

Civilian component

In order to undertake the additional tasks stated above, the Mission should review its support capabilities and slightly reinforce and reconfigure its civilian capacity. In this regard, UNISFA should create a strong link with the African Union High-level Implementation Panel to follow up on commitments and help organize and support meetings essential for political progress. UNISFA would still be led by a General of the Ethiopian Armed Forces at the Assistant Secretary-General level, who would function as Head of Mission and Force Commander.

A civilian Deputy Head of Mission at the D-2 level would function as the main focal point on community liaison in Abyei with both traditional leaders and the existing administrative structures in Abyei and Muglad, as well as for day-to-day follow-up on commitments towards the implementation of signed agreements and support for humanitarian partners and for the African Union in its efforts to bring about a political settlement. In this regard, the civilian capacity would be reinforced with one international staff member in Khartoum and one in Juba to follow up in the capitals and keep Mission leadership abreast of developments that are relevant to its mandate. Team sites in the Abyei Area would also have community liaison officers, both international and national, in pursuit of conflict resolution and prevention. Small teams of international and national civilian officers would be attached to the four monitoring mechanism sector headquarters in the Safe Demilitarized Border Zone, to facilitate the work of the African Union and contribute to the sensitization of communities in the border area.

Peace and development nexus

To alleviate conflict triggers over resources, and to foster the important link between and mutually reinforcing role of the security and political work of the peacekeeping mission and the recovery and development of the United Nations country team, I would like to suggest a dedicated programme for both communities, Ngok Dinka and Misseriya. In the case of the latter, the Sudan United Nations country team should engage with the Government and the Misseriya leadership outside the Abyei Area and ensure that the Misseriya community as a whole benefits from development efforts.

I call upon donors in the Sudan and South Sudan to finance such projects tailored to the needs of the Ngok Dinka and Misseriya that focus on reconciliation and development, taking into account the unique and distinct needs of both communities. Such country team-run projects would greatly alleviate the burden on UNISFA, which

has struggled to meet the expectations of the populations, not having the mandate for any such activities. UNISFA will meanwhile continue to provide operational and logistical support to the humanitarian community in the Abyei Area and preserve sufficient capacity to facilitate the delivery of humanitarian aid and the free movement of humanitarian personnel.

UNISFA is one of the best performing peacekeeping missions. This is due to the commitment and dedication of its staff and the support of the Government of Ethiopia. We should not, however, mistake the success of keeping relative calm in Abyei and the border for a sign that the issues have been resolved and that UNISFA can therefore leave or be substantially reduced. Rather, the Mission needs to be adjusted to the realities on the ground, where the underlying political issues are not resolved. I appeal to you to sustain the investment in UNISFA so as to not jeopardize hard-won gains towards peace over the last seven years. UNISFA can and should remain a vehicle for building confidence-building between the two countries until they manage to settle the final status of Abyei and to determine their common border.

(*Signed*) António **Guterres**